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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,677	02/25/2002	Whitney Hilton Stewart	25213-9075-01	6623
23409 7590 11/01/2007 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER TRAN, HAI	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/082,677

Applicant(s)

STEWART ET AL.

Examiner

Hai Tran

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the communication in response to the Amendments filed by the Applicant on August 13, 2007 for the application, titled: "Electronic Payment And Authentication System With Debit And Identification Data Verification And Electronic Check Capabilities".
2. Claims 1-47 have been cancelled. Claims 48-76 are pending in this application.

Priority

3. This application claims the benefit of U.S. Provisional Patent Application No. 60/271,156, filed on February 23, 2001.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 48-75 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. Claim 48 describes a data storage and arrangement for a validation system. The claim is directed to a computer program embodied in a computer-readable medium that does nothing more than storing and arranging data. The computer program does not comprise any executable instructions for producing or generating a product that is concrete, tangible and useful. To be eligible for a patent, claims that set forth subject matter excluded by a judicial exception (i.e. abstract ideas) must be for a practical

Art Unit: 3694

application. A practical application results if the claimed invention produces a useful, concrete and tangible result. The claim fails to recite a step or an act of producing something that is concrete, tangible and useful. Therefore, the claim is not statutory. (State Street Bank & Trust Co. vs. Signature Financial Group, Inc., 47 USPQ2d 1596, 1601-1602 (Fed. Cir. 1998)).

7. Since claim 48 is rejected, its entire dependent claims 49-75 are also rejected.

Response to Arguments

8. Applicant's arguments with respect to claims 48-76 under U.S.C. 103 rejection have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 48-50, 54-63, and 66-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Flaig et al. (U.S. Patent no. 6,488,206) ("Flaig").

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages

Art Unit: 3694

and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. **With respect to claim 48**, Flaig teaches a debit data validation system for a network, the system comprising:

a calling application configured to (col. 3, lines 39-63, figure 1/elements 16, 14)

receive a request to validate debit data (col. 3, lines 39-63, figure 1/elements 16, 14), and

receive transactional debit data that is to be validated (col. 3, lines 39-63, figure 1/elements 16, 14);

a debit data search engine including a keying module and a matching module, wherein the debit data search engine is configured to (col. 3, lines 50-63, figure 1/elements 22, 24, 26)

receive the transactional debit data from the calling application (col. 3, lines 50-63, figure 1/elements 22, 24, 26), and

process the transactional debit data (col. 3, lines 50-63, figure 1/elements 22, 24, 26); and

a debit data warehouse including stored debit data, wherein the stored debit data is representative of at least one consumer, and further wherein at least one consumer key links the stored debit data representative of each of the at least one consumer (col. 4, lines 17-28, figure 1/elements 32-43).

12. **With respect to claim 49**, Flaig teaches wherein the keying module performs a keying process, and further wherein the keying process includes a standardization

Art Unit: 3694

component, a validation component, and a matching component (col. 3, lines 53-63, figure 1/element 25).

13. **With respect to claim 50**, Flaig teaches wherein a converter is adapted to be coupled to at least one of the debit data search engine and the debit data warehouse, further wherein the converter is coupled to at least one data source, and further wherein the at least one data source includes raw debit data representative of the at least one consumer (col. 3, lines 53-28 of col. 4, figure 1/elements 26, 35-43).

14. **With respect to claim 54**, Flaig teaches a system as claimed in claim 50, wherein the raw debit data includes data from at least one of a checking account opening, a checking account closing, a savings account opening, a savings account closing, a checking account collection, an overdraft, a check order, a returned check transaction, a check printing order, an account inquiry, a retail transaction, an ATM transaction, an automated clearinghouse transaction, and an Internet transaction (col. 4, lines 17-28, figure 1/element 32-43).

15. **With respect to claim 55**, Flaig teaches a system as claimed in claim 50, wherein the raw debit data includes attributes associated with the at least one consumer, and further wherein the attributes include at least one of a name, an address, a SSN, a driver's license number, a driver's license state, a bank account number, a home phone number, a work phone number, and an MICR (col. 4, lines 17-28, figure 1/element 32-43).

16. **With respect to claim 56**, Flaig teaches a system as claimed in claim 55, wherein the raw debit data from the at least one data source is utilized only if it includes

Art Unit: 3694

at least two of the attributes (col. 5, lines 18-40 where it says card number, name , pin number are used).

17. **With respect to claim 57**, Flaig teaches a system as claimed in claim 49, wherein the standardization component standardizes the raw debit data into a consistent format (col. 3, lines 50-63, figure 1/elements 20, 22, 24).

18. **With respect to claim 58**, Flaig teaches a system as claimed in claim 49, wherein the validation component checks the raw debit data against existing reference files to detect at least one of bad data and incorrect data (col. 3, lines 50-63, figure 1/elements 20, 22, 24).

19. **With respect to claims 59-63**, Flaig teaches a system as claimed in claim 49, wherein the matching component matches the raw debit data against the stored debit data to determine the first condition and second condition (col. 5, lines 18-50, figure 3/elements 126-158).

20. **With respect to claims 66-75**, these claims are similar to claims 55-63 and have the same limitations. Hence, they are rejected under the rationale provided in claims 55-63.

21. **With respect to claim 76**, this method claim is similar to system claim 48 including generating response messages to indicate whether the checked conditions are valid or not, and has the same limitations. Hence, it is rejected under the rationale provided in claim 48 in view of figure 1/element 24, at col. 3, lines 50-52 (where it says "Response Unit").

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 51-53 and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flaig in view of Brown et al. (U.S Patent No. 6,026,398) ("Brown").

24. **With respect to claims 51-53**, Flaig does not expressly teach such features. However, Brown teaches a system as claimed in claim 50, wherein: the converter performs parsing of the raw debit data and parsing includes breaking a single data field into a number of representative data fields (see Brown, col. 10, lines 1-11, figure 7/element 31); the converter performs bursting of the raw debit data and bursting includes separating a joint account name into at least two representative names (see Brown, col. 3, lines 39-46, col. 4, figures 3-6); and the converter includes a geographic coder adapted to correct at least one of a street name, a city, a state, a zip code (see Brown, col. 4, lines 57-67, col. 9, lines 36-59 of col. 10, figures 3-6).

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Brown, related to database searching and matching, in the teachings of Flaig, related to debit card activation system and method, to offer an improved data processing system as described in Flaig at (col. 7, lines 26-40).

Art Unit: 3694

26. **With respect to claims 64-65**, Flaig does not expressly teach such features.

Brown teaches wherein the at least one consumer key is thirteen bytes long with the first three bytes including a partitioning key, wherein the partitioning key determines the physical partition the stored debit data the at least one consumer key is representative of is located in, and wherein the at least one consumer key is identified by at least one of a name and an address (see Brown, figures 13, 15, col. 16, lines 16-5 of col. 17).

27. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the teachings of Brown, related to database searching and matching, in the teachings of Flaig, related to debit card activation system and method, to offer an improved data processing system as described in Flaig at (col. 7, lines 26-40).

Conclusion

28. Claims 48-76 are rejected.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7364.

The examiner can normally be reached on M-F, 9-4 PM.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT



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